

## EXHIBIT W

1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
3                   CHARLESTON DIVISION

- - -

4           IN RE:    ETHICON, INC. PELVIC    : MDL NO. 2327  
5           REPAIR SYSTEM, PRODUCTS       :  
6           LIABILITY LITIGATION           :

- - -

7           IN RE:                               : SUPERIOR COURT OF  
8           PELVIC MESH/GYNECARE           : NEW JERSEY  
9           LITIGATION                        : LAW DIVISION -  
10   : ATLANTIC COUNTY  
11   :  
12   : MASTER CASE 6341-10  
13   :  
14   : CASE NO. 291 CT

15                   CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

- - -

16                   Tuesday, April 16, 2013

- - -

17                   Videotaped Deposition of PATRICIA HOJNOSKI  
18                   held at Riker Danzig Scherer Hyland Perretti LLP,  
19                   Headquarters Plaza, One Speedwell Avenue,  
20                   Morristown, New Jersey, on the above date, beginning  
21                   at 9:34 a.m., before Kimberly A. Otherwise, a  
22                   Certified Realtime Reporter, Certified Court  
23                   Reporter, and Notary Public.

- - -

24                   GOLKOW TECHNOLOGIES, INC.  
25                   877.370.3377 ph | 917.591.5672 fax  
                  deps@golkow.com

1 exact time of year it was.

2 Q When you began working in June of 2002,  
3 would you have been trained on the document  
4 retention policy at or about the time that you  
5 started your employment?

6 A I believe I was, at least within that  
7 first few months. There were training requirements  
8 to meet.

9 Q From time to time you would receive  
10 litigation document hold notifications from Johnson  
11 & Johnson legal department; correct?

12 A Correct.

13 Q And when you were first employed in June  
14 of 2002, there was already a document retention or  
15 document litigation hold notice in place; correct?

16 A I don't recall.

17 MR. THORNBURGH: Go ahead and mark as  
18 Exhibit No. 53 a copy of the May two thousand -- I'm  
19 sorry -- May 3rd, 2002, document preservation  
20 notice. Okay?

21 (Exhibit No. T-53 was marked for  
22 identification.)

23 BY MR. THORNBURGH:

24 Q Have you had a chance to review that  
25 document?

1           A       I'm still looking. Is this specifically  
2 asking about a specific product?

3           Q       I'm actually going to be asking you  
4 questions about it. But if you look at -- who's it  
5 from, first off?

6           A       Ethicon Interactive Communications.

7           Q       And who's Ethicon Interactive  
8 Communications?

9           A       I'm sorry. I don't know that.

10          Q       Is that a part of the Ethicon US branch?

11          A       It sounds like it is. I'm not familiar  
12 with any specific department being referred to as  
13 Ethicon Interactive Communications.

14          Q       But it's got the same ETHUS --

15          A       Correct.

16          Q       -- word after the Ethicon Interactive  
17 Communications; right?

18          A       Correct.

19          Q       Based on that, would it be your  
20 understanding that that came from Ethicon US?

21          A       Yes.

22          Q       And that was sent to DL-ETHUSSO. Do you  
23 know what that is?

24          A       I don't.

25          Q       Okay. And then after that what does it

1 say?

2 A All\_Ethicon@ETHUS.JNJ.com.

3 Q So this document would have been sent to  
4 all of the employees at Ethicon J&J?

5 A It appears so, but I can't state for sure.  
6 I wasn't at Ethicon at that time and I wasn't part  
7 of the party who sent the e-mail.

8 Q And the subject is Document Retention  
9 Annual Purge; correct?

10 A Yes.

11 Q And it says: "We are all responsible for  
12 reviewing our files each year to ensure that we are  
13 in compliance with Ethicon Records Retention Policy  
14 (PL566-001)"; correct?

15 A Correct.

16 Q And that PL566-001, the Ethicon retention  
17 policy, is attached to this document if you turn to  
18 Bates No. ETH.MESH.07425072.

19 Do you see that there?

20 MR. COMBS: Object to the form.

21 THE WITNESS: I'm sorry. I don't.

22 BY MR. THORNBURGH:

23 Q Okay. So from -- and I apologize. From  
24 time to time I may refer to Bates numbers.

25 A Okay.

1 Q So I know that this is your first  
2 deposition --

3 A Uh-huh.

4 Q -- and you may not know what I mean when I  
5 say "Bates numbers." So a Bates number is a number  
6 that the parties or the defendant in this case would  
7 have designated at the bottom of the page so that we  
8 could follow each other --

9 A Okay.

10 Q -- as we reference those Bates numbers.  
11 Okay?

12 So if you look at Bates number ending in  
13 072, it's an e-mail -- or, I'm sorry, it's a  
14 document that says "J&J Law Department"; correct?

15 A Correct.

16 Q And it says "Document Preservation  
17 Notice"?

18 A Yes.

19 Q And it's February 13th, 2002; right?

20 A Uh-huh.

21 Q So this would have been the document  
22 preservation notice that would have been in place  
23 when you were first employed in June of 2002;  
24 correct?

25 MR. COMBS: Object to the form.

1 BY MR. THORNBURGH:

2 Q Does it appear that way at least?

3 A It appears that way, but I don't know if  
4 there was another notice that came out in between  
5 that time. Since I wasn't there, I don't -- I can't  
6 state for sure if this was the one that was in  
7 effect.

8 Q Okay. And it says: "In connection with  
9 the upcoming company records clean out, it is vital  
10 to preserve all documents relating in any way to the  
11 matters on the attached 'PRESERVATION NOTICE  
12 REPORT'"; right?

13 A Yes.

14 Q And then it goes on to say: "Failure to  
15 preserve these materials could result in the  
16 imposition of harsh penalties or sanctions"; right?

17 A Yes.

18 Q And then it goes on to say: "Do not  
19 discard, destroy or alter in any way any of the  
20 documents (electronic or paper) described below.  
21 Please ensure that these instructions are followed."

22 Would that have -- that admonition, would  
23 that be based on your memory consistent with what  
24 the deposition -- with what the document  
25 preservation notice would have been in place at the

1 time that you were employed in June of 2002?

2 MR. COMBS: Object to the form.

3 THE WITNESS: I agree that if this is  
4 the one that was in effect in June 2002, this is  
5 what we would have followed.

6 BY MR. THORNBURGH:

7 Q And you would have followed the document  
8 retention notice?

9 A Yes, I would.

10 Q You wouldn't have destroyed any of the  
11 documents --

12 A No.

13 Q -- within your possession?

14 A No, I would not.

15 Q You would have maintained those documents  
16 in the course of -- the business course that was in  
17 place at Johnson -- at Ethicon throughout your  
18 employment?

19 A Yes.

20 Q You would have preserved electronic  
21 documents either electronically or they would have  
22 been retained in hard copy?

23 A Yes.

24 Q And if you turn with me to the Bates  
25 number ending in 076 -- actually, let me just back



1 up. Let's go to 075 first. You see there's a  
2 definition there?

3 A Yes.

4 Q And it says -- what types of  
5 communications or documentations were you -- strike  
6 that.

7 What types of communications or documents  
8 were covered by this document retention policy?

9 A The document here states that the record  
10 is "any form of written, electronic or audiovisual  
11 communication generated internally or externally for  
12 ETHICON'S use, including but not limited to," and  
13 then there's a list of what would be -- need to be  
14 maintained.

15 Q Okay. And that would include any written  
16 memos, letters, or reports; microfilm or microfiche;  
17 electronic or Intranet files, tapes, and discs,  
18 e-mail memos; computer and word processing tapes and  
19 discs; completed forms; ledger and notebooks;  
20 slides, movies, video and audiotapes; photographs,  
21 pictures, and microscope slides?

22 A Correct.

23 Q And those documents were to be retained  
24 for the lifetime of the product?

25 A I'm not sure. Looking at this, I don't

1 know how long those needed to be maintained for.

2 Q If you go to the next page, under "Policy  
3 Statements" it says: "Records shall be retained for  
4 a period not to exceed three years, except as  
5 indicated in the appended exception lists"; right?

6 A Yes.

7 Q It says: "The three year period shall  
8 comprise the current calendar year plus the two  
9 previous calendar years"; correct?

10 A Correct.

11 Q So assuming that this was the document  
12 retention policy in place, there were certain  
13 documents that needed to be retained for at least a  
14 three-year period of time?

15 A Correct.

16 Q And if there were litigation holds that  
17 were sent to you from time to time, that may extend  
18 that hold period beyond the three years that are  
19 identified in this policy; correct?

20 A Correct.

21 Q And you would have complied with both the  
22 policy retention that we have here as Exhibit No. 53  
23 or any litigation holds that would have been sent to  
24 you; right?

25 A Yes.

1     made it -- stated this morning that there should be  
2     a custodial file.

3                     MR. COMBS:   Anybody else want to  
4     place anything on the record before we resume?

5                     Okay.   Let's have a deposition.

6                     (Video record resumed.)

7                     THE VIDEOGRAPHER:   We're back on the  
8     record.   The time is 10:51 a.m.

9     BY MR. THORNBURGH:

10            Q     Thank you, Ms. Hojnoski, for allowing us  
11     to have that discussion about your custodial file.

12            A     You're welcome.

13            Q     And I'm going to try to move away from  
14     that discussion with -- I just want to ask one  
15     question, though.   While you're in your office and  
16     you're reviewing your regulatory filings or getting  
17     ready to prepare regulatory filings, do you take  
18     handwritten notes?

19            A     I might.

20                     MR. COMBS:   Object --

21                     THE WITNESS:   I usually do things  
22     electronically.

23     BY MR. THORNBURGH:

24            Q     Okay.   So you -- there are occasions that  
25     you would write out your thoughts on paper, though;

1 correct?

2 A There might be. Usually I stick to  
3 electronic.

4 Q Okay.

5 A But I can't say I've never written out a  
6 note by hand for a submission.

7 Q Okay. And if you had made handwritten  
8 notes, you would have preserved those in your -- in  
9 the hard copy in accordance with the hard copy  
10 retention policy?

11 A Yes.

12 MR. COMBS: Object to the form.

13 BY MR. THORNBURGH:

14 Q All right. I want to turn back to your  
15 resume, which was marked as Exhibit No. 53 I  
16 believe; right?

17 A 52.

18 Q 52. And on your -- prior to your  
19 employment with Ethicon, what was your experience in  
20 the medical device industry?

21 A Prior to working at Ethicon, I worked for  
22 EBI as a senior regulatory affairs specialist. And  
23 prior to that I worked at C.R. Bard as a senior  
24 regulatory affairs specialist.

25 Q What products did you work -- let's talk